

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IKEIE SMITH #369273,

Plaintiff,

v

NO. 1:22-cv-925

HON. PAUL L. MALONEY

RAY RUBLEY, LLOYD BLACKMAN,
LIZA MOYER, GARY STUMP, and
BRANDON WELCH,

MAG. JUDGE PHILLIP J. GREEN

Defendants.

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JOINT FINAL PRETRIAL ORDER

On June 23, 2025, Joshua Goodrich will attend the final pretrial on behalf of Plaintiff and Adam Sadowski and Sara Trudgeon as counsel for the Defendants along with Kristin Gallahan from the Michigan Department of Corrections (“MDOC”) Office of Legal Affairs.

I. Exhibits

Plaintiff's Exhibits

Exhibit No.	Description	Objection
Pltf. 1	Verified Amended Complaint (ECF No. 21)	Hearsay (FRE 801-802), Cumulative (FRE 401)

Exhibit No.	Description	Objection
Pltf. 2	Inmate Hoskins' Affidavit (ECF No. 86-7)	Hearsay (FRE 801-802), Authentication (FRE 901), Cumulative (FRE 401)
Pltf. 3	Plaintiffs Kites to ADW Blackman (ECF 86-1)	Hearsay (FRE 801-802), Authentication (FRE 901)
Pltf. 4.	Phillip Lloyd's Affidavit (ECF No. 86-3)	Hearsay (FRE 801-802), Authentication (FRE 901), Relevance (FRE 401/402/403), Cumulative (FRE 401)
Pltf. 5	Dainel Olar's Affidavit (ECF 86-4)	Hearsay (FRE 801-802), Authentication (FRE 901), Relevance (FRE 401/402/403), Cumulative (FRE 401)
Pltf. 6	Darnell Shaw's Declaration (86-6)	Hearsay (FRE 801-802), Authentication (FRE 901), Relevance (FRE 401/402/403), Cumulative (FRE 401)
Pltf. 7	Kite to ADW Blackman (ECF 86-5)	Hearsay (FRE 801-802), Authentication (FRE 901)
Pltf. 8	Christopher Barron's Declaration (ECF 86-8)	Hearsay (FRE 801-802), Authentication (FRE 901), Relevance (FRE 401/402/403), Cumulative (FRE 401)
Pltf. 9	Plaintiff's sworn declaration (ECF 86-9)	Hearsay (FRE 801-802), Authentication (FRE 901), Cumulative (FRE 401)
Pltf. 10	Brandon Welch's Admission and Interrogatories (ECF No. 86-10)	Hearsay (FRE 801-802)
Pltf. 11	Any kites submitted to Moyer and Blackman (ECF No. 21-4)	Hearsay (FRE 801-802), Authentication (FRE 901), Relevance (FRE 401/402/403)
Pltf. 12	Surveillance video	Authentication (FRE 901)
Pltf. 13	Plaintiff's Formal Complaint dated Jan 3, 2020 (ECF 86-2)	Hearsay (FRE 801-802), Authentication (FRE 901), Cumulative (FRE 401)
Pltf. 14	Log Book	Authentication (FRE 901), Relevance (FRE 401/402/403)
Pltf. 15	Defendant Moyer's Response to Interrogatories	Hearsay (FRE 801-802)
Pltf. 16	Defendant Welch's Response to Interrogatories	Hearsay (FRE 801-802)
Pltf. 17	Defendant Rubleys' Response to Interrogatories	Hearsay (FRE 801-802)

Exhibit No.	Description	Objection
Pltf. 18	Defendant Welch's Response to Interrogatories Second Set	Hearsay (FRE 801-802)
Pltf. 19	Defendant Stumps Response to Interrogatories	Hearsay (FRE 801-802)
Pltf. 20	Defendant Rubley's Response to Interrogatories Second Set	Hearsay (FRE 801-802)
Pltf. 21	Transcript of Video Conference Deposition of Ikeie Smith	Hearsay (FRE 801-802), Cumulative (FRE 401)
Pltf. 22	Unit 5 Logbook	Authentication (FRE 901), Relevance (FRE 401/402/403)

Defendants' Exhibits

Exhibit No.	Description	Objection
Def. A	Policy Directive 03.03.105 – Prisoner Discipline – Effective Date 07/01/2018	Relevance (FRE 401/402/403)
Def. B	Plaintiff's Misconduct Summary	Relevance (401/402/403):
Def. C	Plaintiff's Lock History	Relevance (401/402)
Def. D	Policy Directive 04.05.120 – Segregation Standards– Effective Date 06/01/2019	Relevance (FRE 401/402/403)
Def. E	March 20, 2020 Video	Authentication (FRE 901)
Def. F	March 26, 2020 Video	Authentication (FRE 901)
Def. G	January 2, 2020 Misconduct Report and Hearing Report	Hearsay (FRE 801-802), Relevance (401/402)
Def. H	March 26, 2020 Misconduct Report and Hearing Report	Hearsay (FRE 801-802), Relevance (401/402)
Def. I	AIM Investigation Report	Hearsay (801-802), Relevance (401/402), Rule 803(8)
Def. J	Plaintiff's Relevant Medical Records including Mental Health	Privacy/confidentiality (HIPAA): Redactions may be needed. Relevance (401/402): Only portions directly

Exhibit No.	Description	Objection
		related to claimed injuries are arguably relevant. 403
Def. K	Defendants' Time Sheets	Hearsay (801-802). May object if incomplete or inaccurate.
Def. L	Defendants' Punch Cards	Hearsay (801-802), May object if incomplete or inaccurate.
Def. M	Defendants' Work Schedules	Hearsay (801-802), May object if incomplete or inaccurate.
Def. N	Reports regarding January 2, 2020 incident	Hearsay (801-802), Relevance (401/402), Rule 803(8)

II. Uncontroverted Facts

1. Plaintiff was a Michigan prisoner who was incarcerated at Bellamy Creek Correctional Facility from October 8, 2019, until July 14, 2021.
2. Defendants are or were employees of the Michigan Department of Corrections and worked at the Bellamy Creek Correctional Facility in January 2020 through March 2020.
3. Defendants acted under color of state law during the time that Plaintiff resided at that facility in 2020.

III. Issues of fact to be Litigated

1. Whether Defendant Blackman was deliberately indifferent to a substantial risk of serious harm to Plaintiff on March 26, 2020.
2. Whether Defendants Rubley, Welch, and Stump retaliated against Plaintiff for reporting staff misconduct.
3. Whether Defendants Rubley and Welch conspired with inmate Hoskins to assault Plaintiff.

Plaintiff's Proposed Addition: Whether Defendants Rubley and Welch instructed or solicited inmates to physically and sexually assault Plaintiff. Defendants object to this addition as being duplicative of number seven above as Plaintiff has only alleged that he was assaulted by Hoskins and not other inmates.

IV. Issues of Law to be Litigated

- 1. First Amendment retaliation**
- 2. Eighth Amendment violations**
 - 1. Deliberate indifference to safety (failure to protect)**
 - 2. Excessive force**

V. Witnesses

Plaintiff's Witnesses:

1. Plaintiff Ikeie Smith – Will Call
2. Inmate Hoskins – Will Call
3. Phillip Lloyd – May Call
4. Christopher Barron – May Call
5. Darnell Shaw – May Call
6. Dainel Olar – May Call
7. Defendant Ray Rubley – Will Call Adverse Witness
8. Defendant Brandon Welch - Will Call Adverse Witness
9. Defendant Lloyd Blackman – May Call Adverse Witness
10. Defendant Gary Stump – May Call Adverse Witness
11. Any custodians of record needed to verify documents.
12. Any rebuttal witnesses as may become necessary throughout the course of trial.

Defendant's Witnesses:

1. Defendant Ray Rubley - May Call
2. Defendant Brandon Welch - May Call
3. Defendant Lloyd Blackman - May Call
4. Defendant Gary Stump- May Call
5. Liza Moyer, May Call
6. Sabrina Jones, May Call
7. Elton Williams, May Call
8. Blair Rowland, May Call
9. Peter Felver, May Call
10. Riccardo Harrison, May Call
11. Katherine West, May Call
12. Plaintiff, May Call
13. Any custodians of record needed to verify documents.
14. Any rebuttal witnesses as may become necessary throughout the course of trial.

VI. Length of Trial

The parties have agreed to a jury trial in this matter. The trial should take four days or less to complete.

VII. Settlement

The parties have discussed settlement but have not been able to reach an agreement.

Dated: June 16, 2025

/s/ Joshua S. Goodrich
Joshua S. Goodrich (P83197)
Attorney for Plaintiff

Dated: June 16, 2025

/s/ Adam P. Sadowski
Adam P. Sadowski (P73864)
Assistant Attorney General
Attorney for MDOC Defendants

Dated: June __, 2025

HON. PAUL L. MALONEY
USDC Judge